



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,651	09/02/2003	Marcel Brouard	MAD8577	1916

7590 02/14/2006

Paul Biron
P.O. Box 0732
Jackman, ME 04945-0732

EXAMINER

COLE, ELIZABETH M

ART UNIT	PAPER NUMBER
----------	--------------

1771

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/652,651	Applicant(s) BROUARD ET AL.	
	Examiner Elizabeth M. Cole	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 7-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 1771

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanes, US Patent Application Publication 2002/0182369 in view of Manor et al, U.S. Patent No. 5,807,161. Hanes discloses a protection system for preventing floors from becoming damaged due to moving furniture, (see abstract), comprising a first layer which is adhesively bonded to the base of a piece of furniture and which comprises a plurality of hooks (paragraph 0012) and a second layer comprising a felt layer which may be either natural or synthetic fibers which comprises a plurality of loops which engage with the hooks of the first layer, (paragraph 0037). The felt layer may further comprise another layer of felt on the other side of the loops. Therefore, the loops would correspond to the claimed reinforcing material which is sandwiched by the first and second layers of the felt material, (paragraph 0039). It is noted that the process limitations are not given patentable weight since the loop containing layers would comprise a solid polymeric material and the method by which the material is formed does not serve to further limit the claimed article. Hanes differs from the claimed invention because Hanes does not disclose that the hooks are formed on a piece of felt fabric. However, since Hanes teaches that felt fabrics are soft and protective, it would have been obvious to have attached the hooks of layer 20 to a felt material motivated by

Art Unit: 1771

the teaching of Hanes that felt fabric provide protection to structures which are in danger of be scratched in order to protect the furniture itself and not just the floor from abrasion during moving. By attaching the hooks to a felt layer the adhesive layer 30 would then be applied to the felt layer.

3. Hanes differs from the claimed invention because Hanes does not specifically disclose that the loops are mushroom shaped, but instead teaches that hook may be any well-known shape. See paragraph 0035. Manor is relied on to show that mushroom shaped hooks are a well known shape and were recognized as equivalent to j-shaped hooks at the time the invention was made. See col. 6, line 54 – col. 7, line 19. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed a mushroom shaped hook. One of ordinary skill in the art would have been motivated to employ a mushroom shaped hook by the teaching of Manor that such hooks were art recognized equivalents to j-shaped hooks.

4. Applicant's arguments filed 7/25/05 have been fully considered but they are not persuasive. Applicant argues that the instant invention does not comprise melt fibers. However, the claims do not preclude the presence of melt fibers.

5. With regard to the mushroom shaped hooks, a new rejection is set forth above addressing this limitation.

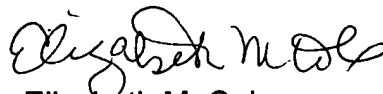
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (571) 272-1478.

Art Unit: 1771

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (571) 273-8300.

A handwritten signature in black ink, appearing to read "Elizabeth M. Cole".

Elizabeth M. Cole
Primary Examiner
Art Unit 1771

e.m.c